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5.7 Consultants, Experts and Specialists

a. Definitions

(1) An expert is a person who is exceptionally qualified by education and experience in a particular line to perform a special service essential to the agency mission -- and who is not obtainable under Civil Service Law and Regulations. An expert may be paid at a rate in excess of that provided under the Classification Act but not to exceed \$50.00 per day. An expert may exercise supervisory or administrative authority. No expert may be employed in any single capacity in any organizational unit in excess of one aggregate year regardless of the calendar period over which it is served. An expert does not receive travel expense to his first post of duty in the U. S. He does not participate in the Retirement System but does fall under the coverage of the Social Security System. He accrues annual and sick leave.

(2) An intermittent consultant is an individual with special skills, knowledge or experience, whose advice and guidance are needed and furnished on an intermittent basis. There are two types: (1) A consultant appointed in true name or pseudonym; (2) A consultant under contract in true name or pseudonym. An intermittent consultant may be appointed or contracted with for a fixed or indefinite period, but in no case shall an appointment extend beyond the last day of the fiscal year in which appointed. He may be compensated at a rate not in excess of \$50.00 per day. He may serve only on a truly intermittent basis for short, irregular periods always less than one calendar month at any one time. He is entitled to travel expenses when traveling between his home or place of business and Washington or other place of duty and to per diem in lieu of subsistence including Saturdays, Sundays and Holidays when away from his place of business or residence on official duty for the Agency. He may not perform supervisory or administrative functions. He does not accrue sick and annual leave, does not participate in the Retirement System and is not covered by Social Security. Should an intermittent consultant serve continuously for one calendar month or more, he becomes, for certain purposes, a temporary employee. As such he loses the right to travel at Government expense to and from his home or place of business to his place of duty and to per diem expenses while serving at his place of duty, and, he must repay such monies as he may have already received for such travel and per diem as an intermittent consultant for the calendar month immediately preceding. As a temporary employee he may become entitled to sick and annual leave and come under the coverage of Social Security.

(3) A covert specialist is an individual hired by the Agency or its controlled organizations who is qualified by skill, knowledge and availability to render a specific service to the Agency. The services rendered are not of sufficient duration or of such a nature as to warrant or justify the use of an employee or agent, but are of such duration or nature as to preclude or be inappropriate to the use of a consultant or expert. All covert specialists shall be engaged on a contractual basis, whether with or without compensation and shall be entitled only to such benefits as are specifically provided by contract. The services rendered may be of a supervisory, functional, special or advisory nature.

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b. Policy Respecting Use of Experts, Consultants and Covert Specialists

(1) The use of intermittent consultants is recognized as proper and necessary to provide advice to agency officials on an intermittent basis. It shall be the responsibility of each Office Head to insure that internal procedures of his office are such as to maintain close control over their use and to maintain the integrity of the intermittent principle.

(2) As a general policy, CIA will not use experts except when it is specifically established that the services required cannot be rendered by an individual serving in an employee or consultant capacity.

(a) When it is determined by an Office Head that an exception to the general policy is necessary and that an expert should be used, a request including appropriate justification shall be made of the Personnel Director.

(3) Covert specialists will be engaged only for duties or functions which for security or other reasons should not be performed by employees, agents, experts or consultants.

c. Written Instruments

(1) A written instrument evidencing the terms and conditions under which the consultant, or expert or covert specialist will perform service shall be executed in every case whether use is with or without compensation. Every consultant, expert or covert specialist shall be required to sign a Secrecy Agreement. Time and Attendance Reports or other written evidence of services rendered shall be submitted by the responsible official before payment will be made.

d. Central Clearance Point

(1) Prior to discussing classified information with a potential consultant, expert or covert specialist of the Agency (including controlled subsidy or proprietary organizations) the responsible official shall first ascertain that a Security Clearance has been issued by the CIA Security Officer. The Inspection and Security Office will be furnished with a copy of the appointing or contracting instrument in each case and shall establish and maintain a Central Register of all consultants, experts and covert specialists used by the Agency or on classified matters by its controlled organizations. Security Clearances of consultants, experts and covert specialists shall be limited to one year duration.

e. Controls

(1) Each Office shall establish and maintain a register showing the dates on which consultants, experts and covert specialists had access to CIA installations. This information will be made available for review by the Office of Inspection and Security as requested by that Office.

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(2) The Personnel Director and the Special Contracting Officer shall establish and maintain appropriate record systems for calling appointments and contracts up for review at least thirty days prior to the date of termination.

f. Appointed Consultants and Experts

(1) Appointment. Appointed consultants and experts, either with or without compensation, shall be appointed in true name or pseudonym by the Personnel Director upon submission of Form 37-2 or Form 37-1, by the requesting office, for appointment to vouchered or unvouchered funds respectively. Such requests shall be processed in the same manner as a request for regular personnel appointment. Upon completion of processing, the Personnel Director shall execute a Personal Services Contract Form No. 37-53, a copy of which shall be furnished to the Office of Inspection and Security.

(2) Pay. Appointed consultants and experts shall receive compensation per prescribed regulations or serve without compensation, as stipulated in the appointment action and the Personal Services Contract. They may receive reimbursement for travel and related expenses in accordance with the rates prescribed by Standardized or Foreign Service Travel Regulations. At the time of receipt of such reimbursements a consultant or expert may be required to certify that he has not been and will not be reimbursed for same expense from any other source.

g. Contract Consultants

(1) Intermittent consultants as defined in A.2 above whether with or without compensation will be employed on a contractual basis by the Special Contracting Officer upon request of the office concerned, whenever security or operational considerations make it inadvisable to appoint them through normal personnel procedures. The Special Contracting Officer shall satisfy himself that proper determinations have been made by authority as to the qualifications, suitability and compensation of the individuals; and that security and other agency standards and requirements have been met.

h. Covert Specialists

(1) Contract. Covert specialists may be engaged on a contractual basis by the Special Contracting Officer upon request of the Office concerned, to render personal services, assistance and advice to the Agency or its controlled organizations. A contract shall be prepared covering each such individual whether engaged with or without compensation.

(2) Pay. Such individuals may be compensated on a fee, production, contingency, actual expense or periodic rate basis or a combination thereof, provided however that contracts providing for (1) payment in excess of \$50.00 per day, or the estimated equivalent thereof if other than a daily rate is established, or (2) total compensation in excess of \$10,000 will not be entered into without the personal approval of the Assistant Director concerned. No such contract shall be for more than one year's duration without review and renewal.

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(S) Travel and Other Benefits. The contract shall stipulate the basis upon which travel and other reimbursable expenses may be paid. Covert specialists are individual contractors and therefore are not employees and the contract shall not ordinarily provide for leave, retirement, social security, compensation and death benefits, or other employee benefits. Taxes will not be withheld except as may be required by cover conditions, however the individual shall acknowledge his responsibility for reporting such income in accordance with law.

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